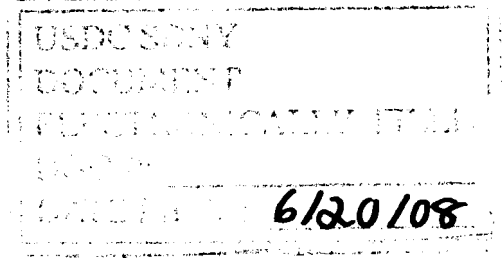
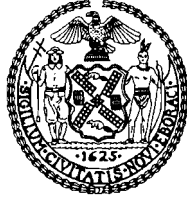


JUN 19 2008



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June 19, 2008

**Via Hand Delivery**

Honorable Richard M. Berman  
United States District Judge, SDNY  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**  
*p. 2*

Re: Mark Kapiti v. Raymond W. Kelly, et al., 07 Civ. 3782 (RMB) (KNF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Police Commissioner Raymond W. Kelly, and the Property Clerk of the New York City Police Department ("City defendants"). In that regard, defendants write to respectfully request (1) a short three business day extension of time from June 19, 2008 until June 24, 2008 to file and serve papers in opposition to plaintiff's motion for class certification; and (2) a corresponding extension of time for plaintiff to file and serve reply papers until July 16, 2008. I left two voice-mail messages for plaintiff's counsel this morning to obtain plaintiff's position with respect to defendants' request, but have not been able to reach counsel. According to counsel's secretary, counsel was unavailable to speak. Thus, I am unaware of plaintiff's position with respect to this application. Further, this is defendants' first request for an extension of time to oppose plaintiff's motion for class certification.

As background, by Order, dated May 27, 2008, Your Honor ordered plaintiff's motion for class certification due by June 5, 2008, defendants' response due by June 19, 2008, and plaintiff's reply due by July 11, 2008. Discovery in this case is closed. The attorney assigned to this case, ACC Philip S. Frank, has been out of the office for the past two weeks on business and personal matters. Despite my best efforts during Mr. Frank's absence, I have been unable to complete the defendants' opposition papers on Mr. Frank's behalf by the Court imposed deadline of June 19, 2008. Thus, I respectfully request the Court's indulgence and request that the Court grant defendants a short three business day extension of time, until June 24, 2008 to file and serve their opposition papers. Moreover, should the Court grant defendants' request, defendants

consent to a corresponding enlargement of time for plaintiff to file and serve reply papers until July 16, 2008.

I thank the Court for its consideration herein.

Respectfully submitted,

*David M. Hazan*

David M. Hazan (DH-8611)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: **Via Hand Delivery**

Steven L. Kessler, Esq.  
122 East 42<sup>nd</sup> Street, Suite 606  
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**Via Hand Delivery**

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<u>Application granted. Opposition</u>	
<u>due on or before June 24, 2008.</u>	
<u>Reply due on or before July 16, 2008</u>	
<u>(Final).</u>	
SO ORDERED:	<i>Richard M. Berman</i>
Date: <u>6/20/08</u>	
Richard M. Berman, U.S.D.J.	